

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER HARBERS,
for Herself, as a Private Attorney
General, and/or On Behalf Of All
Others Similarly Situated,

Plaintiff.

v.

EDDIE BAUER LLC,
and DOES 1-20, inclusive,

Defendants.

No. 2:19-cv-00968-JLR

**STIPULATED MOTION AND
[PROPOSED] ORDER RESOLVING
DEFENDANT'S MOTION
TO STAY DISCOVERY (DKT. 26)**

**NOTE ON MOTION CALENDAR:
MONDAY, SEPTEMBER 23, 2019**

STIPULATED MOTION FOR ORDER
RESOLVING DEFENDANT'S
MOTION TO STAY DISCOVERY - 1

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STIPULATION

2 WHEREAS, on July 23, 2019, this Court entered a Rule 16(b) And Rule 23(d)(2)
3 Scheduling Order Regarding Class Certification Motion (Dkt. 19) which, among other things,
4 set a deadline for Plaintiff Jennifer Harbers to complete discovery on class certification on or
5 by November 18, 2019, and set a deadline for Plaintiff Harbers to file a motion for class
6 certification on or by December 18, 2019;

7 WHEREAS, on July 4, 2019, Plaintiff Harbers filed a Motion To Remand this action
8 back to the King County Superior Court (Dkt. 13), a motion which has been fully briefed by the
9 parties and which is pending;

10 WHEREAS, the Plaintiff's Motion To Remand argues that this federal district court
11 lacks subject matter jurisdiction over Plaintiff's claims because Plaintiff's operative First
12 Amended Complaint does not allege a sufficiently concrete injury-in-fact to confer Article III
13 standing;

14 WHEREAS, on June 28, 2019, Defendant Eddie Bauer, LLC (“Eddie Bauer”) filed its
15 Motion To Dismiss First Amended Complaint for failure to state a claim (Dkt. 11), with further
16 briefing being suspended by stipulated order (Dkt. 15) until after the disposition of Plaintiff’s
17 Motion To Remand;

18 WHEREAS, on September 16, 2019, Eddie Bauer filed and served its Motion To Stay
19 Discovery (Dkt. 26), which asks the Court to stay discovery until the ruling upon Plaintiff's
20 Motion To Remand on the grounds that district courts within the Ninth Circuit have held that a
21 stay of discovery is appropriate while a plaintiff is challenging the Court's jurisdiction (Motion
22 To Stay Discovery, Dkt. 26, pp. 3:5-4:9);

23 WHEREAS, after a review of the legal authorities cited by Eddie Bauer, Plaintiff
24 Harbers concludes that she does not have an objection to a limited stay of all discovery and that
25 it would not be a good use of judicial resources for this Court to adjudicate Eddie Bauer's
26 Motion To Stay Discovery (Dkt. 26)—provided that Plaintiff's deadlines to complete class
27 certification discovery and to file a motion for class certification are continued for a period of
28 time equal to the period of the discovery stay;

1 NOW, THEREFORE, Plaintiff Jennifer Harbers ("Harbers") and Defendant Eddie
2 Bauer, LLC ("Eddie Bauer") hereby STIPULATE and AGREE as follows:

3 1. All discovery in this civil action should be suspended from the day of the
4 Court's granting of this Stipulated Motion to and through the day of the Court's entry of the
5 later of an order adjudicating Plaintiff's Motion To Remand (Dkt. 13) or an order adjudicating
6 Defendant's Motion To Dismiss (Dkt. 11) (the "Period of Stay"), with this stay of discovery
7 being lifted upon this Court's entry ~~of the later~~ of an order adjudicating Plaintiff's Motion To
8 Remand (Dkt. 13) ~~or an order adjudicating Defendant's Motion To Dismiss (Dkt. 11)~~. *JMR*

9 2. The deadlines of November 18, 2019 (to complete class certification discovery),
10 and December 18, 2019 (to file a motion for class certification), as stated in the Rule 16(b) And
11 Rule 23(d)(2) Scheduling Order Regarding Class Certification Motion (Dkt. 19), should be
12 amended and continued by the number of calendar days in the Period of Stay.

13 3. ~~The Court should vacate the noting date for Eddie Bauer's Motion To Stay~~ *JMR*
14 Discovery (Dkt. 26) ~~is DENIED as moot.~~

15 DATE: September 23, 2019

17 Respectfully submitted,

18 SEED IP Law Group LLP

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STIPULATED MOTION FOR ORDER
RESOLVING DEFENDANT'S
MOTION TO STAY DISCOVERY - 3

17 Respectfully submitted,

HATTIS & LUKACS

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and the Proposed Class

6 *Attorneys for*
7 *Defendant Eddie Bauer, LLC*

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9 **ORDER**

10 IT IS SO ORDERED.

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14 *October*

15 DATED: September 1, 2019

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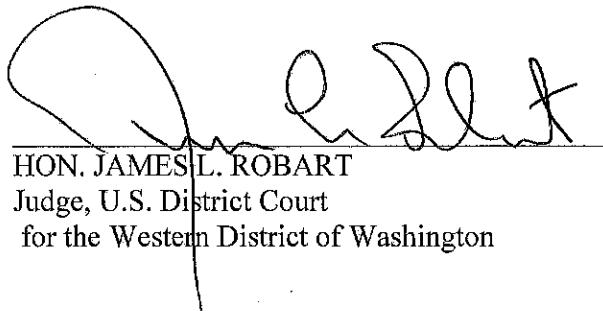
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HON. JAMES L. ROBART
Judge, U.S. District Court
for the Western District of Washington

1 **CERTIFICATE OF SERVICE**

2 The undersigned certifies under penalty of perjury under the laws of the State of
3 Washington and the United States of America that on the 23rd day of September, 2019, the
4 document attached hereto was filed with the Clerk of the Court using the CM/ECF system which
5 will send notification of such filing to all counsel of record in the matter.

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7 DATED this 23rd day of September, 2019.

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9 */s/ Che Corrington*
10 Che Corrington, WSBA No. 54241

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